IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1350 OF 2006

NTC (MN) Ltd. ..... Petitioner
vs.
Regional P.F. Commissioner & ors. ... Respondents

Ms. Meena Doshi for petitioner
Ms. S.V. Bharucha for respondent no.1.

CORAM: D. G. KARNIK **J.**

DATE: 7/7/2006

P.C.:

1. Heard counsel for the petitioner and for Respondent no.1. Learned counsel for the Respondent no.1 has taken preliminary objection that the petition has been filed 14 years after the impugned order and therefore the petition should not be entertained. She further submits that the petition involves disputed questions of fact and on that count also the the petition should not be entertained.
2. The Petitioner has challenged the order dated 12th March 1992 passed under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1995. The petition has been filed after 14 years of passing of the said order. The delay in filing the petition has not been explained at all. The further actions of the Respondents are only in furtherance of this order dated 12th March 1992. If the Petitioner was aggrieved by this order dated

12th March 1992 the Petitioner should have challenged the said order within a reasonable time. I see merit in the preliminary objection of laches and delay.

3. According to the Petitioner the payment has been claimed twice. This is denied by the counsel for the respondent. This court cannot go into the disputed question of facts in exercise of its writ jurisdiction.
4. The petition is rejected summarily.
5. Learned counsel for the Petitioner prays that the ad interim order passed by this court on 5th June 2006 should be continued for a period of 4 weeks. The petition has been dismissed and I see no reason to continue the said ad interim order. Ad interim order stands vacated.

(D. G. KARNIK **J**)